IN THE JUSTICE OF THE PEACE COURT NO. 16 OF THE STATE OF DELAWARE IN AND FOR KENT COUNTY

TRI-COUNTY PROPERTY MANAGEMENT LLC,

Plaintiff,

ROCHELLE GROVE AND DAJUAN GROVE,

Defendants.

C.A. No. JP16-16-005346

TRIAL DE NOVO

Case Scheduled: November 4, 2016 Case Decided: November 4, 2016

Plaintiff Tri-County Property Management appeared represented by current Form 50 agent Patricia Hawryluk.

Defendants DaJuan and Rochelle Grove appeared pro se.

NOTICE OF JUDGMENT/ORDER

This is a de novo appeal to a three judge panel from a decision dated September 29, 2016. The panel, comprised of Judges Murray, Dillard, and Sherlock were scheduled to hear the new trial on November 4, 2016.

BACKGROUND

Plaintiff filed a Landlord/Tenant Summary Possession petition on August 31, 2016 seeking a judgment of \$577.50, court costs of \$41.50, and possession of the rental unit located at 103 Par Haven Drive, Apt. K33, Dover, Delaware 19904. At issue is the Defendants failure to pay the entire August 2016 rent in full. Defendants paid only \$525.00 on August 12, 2016, leaving a balance due of \$577.50, which includes the late fee. Trial was held on September 28, 2016 and judgment, in part, was entered in favor of the Plaintiff. Plaintiff did not receive possession of the rental unit and filed a timely appeal on October 3, 2016. A trial de novo was then scheduled.

PRE-TRIAL MOTION TO WITHDRAW APPEAL

On the morning of this trial *de novo*, Plaintiff submitted a motion to withdraw their appeal. As of November 3, 2016, Plaintiff has received possession of the rental unit from Defendants and requests this case to be taken off the docket. Plaintiff did not inquire about the position of the opposing parties. Trial was to be heard at 10:00am. The court waited until 10:15am to convene the trial and at that time, neither of the parties had appeared.

CONCLUSION

Since Defendants failed to appear, Plaintiff's motion went unopposed. Based off the aforementioned, the court GRANTS the motion to withdraw.

IT IS SO ORDERED this 4th day of November, 2016.

Michael P. Sherlock Justice of the Peace FOR THE COURT